

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TOMMIE FAYE JONES, ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 4:02CV98-P-B

**AMERICAN INTERNATIONAL GROUP,
INC., ET AL.,**

DEFENDANTS.

FINAL JUDGMENT

This matter comes before the court upon Defendants' motion for dismissal with prejudice for lack of prosecution contained in the Defendants' Response to Plaintiffs' Reply [35-1] to this court's Show-Cause Order entered August 22, 2005 in which the court ordered the plaintiffs to show cause why their action should not be dismissed for lack of prosecution. Upon due consideration of the circumstances, the court finds as follows, to-wit:

This action should be dismissed with prejudice for lack of prosecution. This action was first filed on March 22, 2002 in the Circuit Court of Sunflower County, Mississippi. The defendants subsequently removed the action and the court denied the plaintiffs' motion to remand on September 19, 2003. As of this date, nothing further has been done in this litigation. The plaintiffs have provided woefully inadequate justification why they chose to wait for over two years after this court denied its motion to remand to pursue their case. Indeed, but for the court's Show-Cause Order, the period would have been much longer than two years. In any event, the defendants' arguments in their reply are readily apparent and well-taken.

IT IS THEREFORE ORDERED AND ADJUDGED that pursuant to Federal Rule of Civil Procedure 41(b):

(1) Defendants' motion for dismissal with prejudice for lack of prosecution contained in their Response to Plaintiffs' Reply [35-1] is hereby **GRANTED**; accordingly,

(2) All of the plaintiffs' claims against all of the defendants are **DISMISSED WITH PREJUDICE**; and

(3) This case is **CLOSED**.

SO ORDERED this the 21st day of September, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE